

## SENATE BILL NO. 16

INTRODUCED BY D. STEINBEISSER

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE WARM WATER GAME FISH SURCHARGE AND STAMP TO BE SOLD AS PART OF ALL FISHING LICENSES; ALLOWING PERSONS TO ELECT TO NOT PAY THE SURCHARGE; AMENDING SECTION 87-3-236, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 87-3-236, MCA, is amended to read:

**"87-3-236. Warm water game fish surcharge and stamp -- warm water game fish defined -- accounts established -- dedication of revenue to Fort Peck multispecies fish hatchery.** (1) ~~A~~ Except as provided in subsection (10), a person who is required to be licensed in order to fish in Montana ~~and who desires to fish in waters listed pursuant to subsection (9)~~ shall, upon purchase of a Class A, Class B, Class B-4, Class B-5, or Class A-8 fishing license, pay a warm water game fish surcharge of \$5. The surcharge is in addition to the license fee established for each class of license and entitles the holder to fish in the waters listed pursuant to subsection (9) as authorized by the department. Payment of the surcharge must be indicated by placement of a warm water game fish stamp on the fishing license.

(2) A warm water game fish stamp is valid for the license year in which it is purchased.

(3) Revenue from the warm water game fish surcharge must be placed in the account created in subsection (5) and may be used only for the purposes set out in subsection (7).

(4) As used in this section, "warm water game fish" includes but is not limited to all species of the genera ~~Stizostedion~~ Sander, Esox, Micropterus, and Lota and includes largemouth bass (*Micropterus salmoides*), smallmouth bass (*Micropterus dolomieu*), walleye (~~Stizostedion vitreum~~ Sander vitreus), sauger (~~Stizostedion canadense~~ Sander canadensis), black crappie (*Pomoxis nigromaculatus*), white crappie (*Pomoxis annularis*), channel catfish (*Ictalurus punctatus*), yellow perch (*Perca flavescens*), northern pike (*Esox lucius*), pallid sturgeon (*Scaphirhynchus albus*), paddlefish (*Polyodon spathula*), other warm water species classified as species of special concern, threatened, or endangered, chinook salmon (*Oncorhynchus tshawytscha*), and tiger muskellunge.

(5) There is an account into which must be deposited:

(a) all proceeds from the warm water game fish surcharge established in subsection (1); and

(b) money received by the department in the form of gifts, grants, reimbursements, or appropriations from any source intended to be used for the Fort Peck multispecies fish hatchery.

(6) The department shall administer the account within the state special revenue fund established in 17-2-102.

(7) Subject to the provisions of subsection (8), revenue collected under subsection (5) must be used by the department for the operation, maintenance, and personnel costs of the Fort Peck multispecies fish hatchery established in 87-3-235, which may include the costs incurred in eradicating illegally introduced warm water species from Montana waters. No more than 15% of available revenue may be dedicated to eradication efforts.

(8) The department may not use any nonfederal funds for the hatchery authorized in 87-3-235 other than those in the account provided for in subsection (5). There is an account in the federal special revenue fund into which must be deposited all federal money received for purposes of the Fort Peck multispecies fish hatchery and from which the department may use funds for the hatchery authorized in 87-3-235.

(9) The department shall prepare a list of all waters into which fish from the Fort Peck multispecies fish hatchery will be planted. All waters listed in the Montana fishing regulations that require a warm water stamp and waters planted or waters that will be planted with fish from the Fort Peck multispecies fish hatchery must be permanently included on the list. The waters designated in the list are the only waters for which a warm water game fish stamp is required.

(10) A person who purchases a fishing license may, at the time of purchase, elect to not pay the warm water game fish surcharge of \$5. A person who elects to not pay the surcharge may not receive a warm water game fish stamp and may not fish in the waters listed pursuant to subsection (9)."

**NEW SECTION. Section 2. Directions to code commissioner.** (1) Whenever the phrase "Stizostedion vitreum" (referring to walleye) appears in the Montana Code Annotated or in legislation enacted during the 61st legislative session, the code commissioner shall change the phrase to "Sander vitreus".

(2) Whenever the phrase "Stizostedion canadense" (referring to sauger) appears in the Montana Code Annotated or in legislation enacted during the 61st legislative session, the code commissioner shall change the phrase to "Sander canadensis".

**NEW SECTION. Section 3. Effective date.** [This act] is effective March 1, 2010.

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